

The Papacy and the Regular Clergy in Scotland in the fourteenth century

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The period immediately before the Great Schism arguably saw the zenith of papal power. The centralisation of the western church reached a climax and papal involvement in local affairs was on a considerable scale. Many ecclesiastics from bishops downwards owed their status to provision, there were many papal taxes affecting most clerics, and the use of the curia as a court of law continued unabated. Worries about personal prospects in the next world, on the part of both clergy and laity, brought much work to the Penitentiary in Avignon and led to a proliferation of personal indulgences and dispensations. Although this level of intervention may sometimes have been resented, especially by those whose temporal fortunes suffered as a result of papal practices, there was little or no concerted opposition in fourteenth-century Scotland to the Holy See as the supreme ecclesiastical authority. The period therefore allows us to examine the working of an extensive foreign jurisdiction in Scotland at a time when it was both wide-ranging and generally tolerated.

The purpose of this paper is to view papal involvement in fourteenth-century Scotland from the standpoint of the regular clergy. Although many parallels can and should be drawn with their secular contemporaries, it must be remembered that those who were professed in a religious order lived under regimes which dictated that much of their contact with the Papacy was via the head of their convent, and this in turn means that the Holy See tended to deal with institutions rather than individuals and received relatively few supplications asking for favours to be granted to single monks, canons or friars. The religious orders were, moreover, international bodies, and, especially in the case of the friars and the younger, reformed orders with their more elaborate administrative structure, they transcended national boundaries in a way which was becoming increasingly uncommon among the secular clergy. In view of the geographical remoteness of Scotland and its poor relations with England in the fourteenth century, such internationalism among Scottish regulars should not be over-stated, but it must be kept in mind. Against this, the religious houses were very much part of the local scene; most had been founded many years before and their activities, both internally and where they touched the secular world, were well established. Although direct evidence is largely lacking, bishops probably visited the few houses which were not exempt from

their jurisdiction, and if English evidence is anything to go by they were active in confirming the elections of new heads of houses or at least receiving their professions of obedience. The regulars were, therefore, unusually international in their outlook while retaining an important place in local life and administration.

The fourteenth century was not a time of great change for the regulars. At least in the case of the enclosed orders, the age of foundations and expansion had long passed, and laymen were beginning to channel their piety into chantries and secular colleges at the expense of the orders who had enjoyed the benefits of lay generosity in the twelfth and thirteenth centuries. This was an international phenomenon, the reasons for which are complex. The expansion of town life in many parts of Europe gave merchants and craftsmen wider opportunities for ecclesiastical patronage than they had had in the past, and it was dictated by civic pride that they should direct their benefactions towards local chantries and collegiate institutions. This trend was not far advanced in fourteenth-century Scotland, although its ripples may have begun to be felt. Economic difficulties caused by war and plague may also have had an adverse effect on lay grants, but the chief reason seems to have been a fear of increasing laxity in traditional monasteries. Although it is impossible to assess how far individual institutions had deviated from the ascetic zeal of their founders, it seems certain that monastic life had become generally more comfortable by the fourteenth century. Indeed, when Benedict XII attempted to regulate the black monks in 1336 and black canons in 1339, some reforms such as meat-eating were tacitly accepted and subjected to control rather than prohibition, and the greatest effect probably lay in the establishment of regular provincial chapters for the Benedictines and Augustinians. Reforms based on administrative changes rather than on enforcement of earlier ideals were typical of the bureaucratic and centralising attitude of the Avignon Papacy, and they reflect a state of affairs where emphasis on organisational matters had supplanted encouragement of fast-vanishing monastic zeal, even if the administrative structure set up was theoretically intended to strengthen observance of the Rule. It appears that a return to austerity was not envisaged, and even the new regulations proved irksome: an English chronicler cites a bull of general application issued by Clement VI on 1 June 1342 suspending sentences which had been imposed under the new rules and absolving those affected.¹ Throughout monastic history patrons appear to have

¹ *Chronicon domini Walteri de Hemingburgh*, ed. H. C. Hamilton (English Historical Society, 1848-49), ii, 394-97. The rubric states that the breach of the rules concerned failure to send monks to university, but this is not clear from the text. For Clement's relaxation of Benedict's constitutions see also the remarks of an anonymous chronicler quoted in *Chronica Johannis de Reading et Anonymi Cantuariensis, 1346-1367*, ed. J. Tait (Manchester, 1914), 81.

had the notion that prayer and intercession were more valuable if offered by brethren living under strict and austere discipline, and when this was seen to have ceased to be the norm donations to monasteries dwindled. This trend was of course not peculiar to Scotland. In fact it is arguable that small donations were made to Scottish houses after the practice had virtually ceased in England, but new houses of the enclosed orders were not established.

The situation was rather different in the case of the friars. They had established few houses in Scotland before 1300 and to a limited extent were able to expand in the fourteenth century. In accordance with instructions of Gregory X and Boniface VIII papal approval was required before friars could accept a new site for an oratory. The Dominicans in 1348² and the Austin friars in 1360³ were both licensed to set up houses in Scotland, while on 29 November 1346 Clement VI allowed the Franciscans to accept sites given by Robert I and David II in Lanark and possibly Inverkeithing because they were present in only three Scottish dioceses and had suffered from the war.⁴ The granting of permission does not, however, imply that the friars managed to expand on the scale envisaged and, moreover, the establishment of oratories was never immediate: the English Austins took a quarter of a century to set up four houses allowed under a faculty of 1364.⁵ Various factors could occasion delay: the Franciscan friary at Bemaken on the Isle of Man discovered that the bishop of Sodor was too distant to bring to effect the papal mandate ordering him to set up the oratory, and in 1373 the bishop of Llandaff or another Catholic bishop was given leave to consecrate it.⁶

This obligation on the part of the friars to seek papal approval to set up new convents was very much in accord with their tradition of close connections with the Papacy. The Avignon popes were sometimes asked to confirm or define privileges enjoyed by the friars. On 21 November 1326 John XXII secured to the Carmelite order the rights and privileges given by previous popes to the

² *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope* [CPP], i, 144; *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Papal Letters* [CPL], iii, 304.

³ University of Glasgow, Department of Scottish History, Ross Fund collection of microfilms of material from the Vatican Archives [GUS], Registra Avinionensia [Reg. Av.] 144, fo 383r-v.

⁴ W. M. Bryce, *The Scottish Grey Friars* (Edinburgh and London, 1909), ii, 149; cf. CPP, i, 121; I. B. Cowan and D. E. Easson, *Medieval Religious Houses: Scotland* (2nd edn., London, 1976), 126-27.

⁵ F. Roth, *The English Austin Friars, 1249-1538* (New York, 1961-66), i, 240, 305, 326, 343.

⁶ CPL, iv, 186; cf. Cowan and Easson, *Med. Religious Houses*, 238.

Dominicans and Franciscans.⁷ On 10 March 1364 Urban V ratified lost letters of Innocent VI allowing the Carmelites to celebrate mass in places subject to an interdict.⁸ Urban also confirmed the Austin friars in their licence, also granted by Innocent VI, to celebrate outside their oratories on portable altars in the presence of prelates or nobles,⁹ while Clement VI had earlier confirmed the order's exemption from episcopal control.¹⁰ Older papal privileges continued to be important too: in 1345 the Blackfriars of Ayr made a notarial copy of a letter of David II ordering the observance of a bull of Clement IV, issued in 1266, which allowed the Dominicans to hold and sell temporal property and generally affirmed the order's privileges.¹¹

Other centralised orders also received papal attention, although in the fourteenth century this normally took the form of a confirmation of earlier privileges rather than the granting of any new favour. It was probably Clement VI who issued the bull copied at Paisley in 1404, 1414 and 1446 renewing the exemption of all Cluniac houses from ordinary jurisdiction and putting them under the protection of the Holy See in return for an annual census.¹² John XXII, Clement VI and Urban V ratified many Premonstratensian privileges including the right of canons of the order to hold benefices with cure of souls,¹³ while a considerable number of fourteenth-century bulls benefiting the Cistercian order were entered into the cartulary of the northern English house of Furness.¹⁴ There is probably little significance in the dates of these papal confirmations, which were essentially similar to many which in the past had been sought by and granted to the emerging and expanding orders. Religious houses often feared erosion of their

⁷ P. J. Anderson, *Aberdeen Friars: Red, Black, White, Grey* (Aberdeen, 1909), 14.

⁸ *Urbain V: lettres communes*, edd. M.-H. Laurent, P. Gasnault, M. Hayez and members of the French School at Rome (Paris and Rome, 1954-86), iii, no. 10800.

⁹ *Ibid.*, ii, no. 6552; iii, no. 11527.

¹⁰ A. Gwynn, *The English Austin Friars in the Time of Wyclif* (Oxford, 1940), 47-48.

¹¹ *Charters of the Friars Preachers of Ayr* (Archaeological and Historical Collections of Ayr and Wigton, 1881), 9-10, cf. 2.

¹² *Registrum Monasterii de Passelet, 1163-1529* (Maitland Club, 1832, hereafter cited as *Pais. Reg.*), 282-89, 290-91.

¹³ *The Chartulary of Cockersand Abbey*, ed. W. Farrer (Chetham Society, 1898-1909), III, ii, 1067-69; *Urbain V: lettres communes*, iii, no. 11547.

¹⁴ *The Couches Book of Furness Abbey*, edd. J. C. Atkinson and J. Brownbill (Chetham Society, 1886-1919), I, iii, 553-55, 558-59, 561-63, 566, 567-68, 623-24. For other papal bulls to the Cistercians see e.g. P. N. R. Zutshi, "Original Papal Letters in England, 1305-1417: a Study and a Calendar" (unpublished Ph.D. thesis, Cambridge, 1981), no. 62; *The Chartulary of the Cistercian Abbey of St Mary of Sallay in Craven*, ed. J. McNulty (Yorkshire Archaeological Society Record Series, 1933-34), ii, 188.

privileges by bishops, kings and other laymen, and their desire to preserve intact their property, revenues and jurisdiction had always encouraged them to look to the Papacy for support. Bulls granted in the fourteenth century both to orders and to individual monasteries were continued insurance against loss of wealth or status at a time when popular esteem for religious houses had declined.

In the twelfth and thirteenth centuries most monasteries had received a number of bulls ratifying grants of lands and privileges and often detailing all the rights and possessions enjoyed by the house. This type of bull was probably less common in the period under review, and although this may partially be a reflection on the relative lack of material in the cartularies relating to the fourteenth century, it may also be that as the number of donations to religious houses dwindled, then so did the need for regular papal involvement. Also, general confirmations of privileges and immunities tended to be replaced by bulls ratifying particular agreements. A number of royal grants were confirmed in this way, such as a charter reiterating a grant by Robert I of the thanage of Scone to the abbey there¹⁵ and David II's donation of twenty merks per annum from the great custom of Dundee to Restenneth priory.¹⁶ The donation of a mill to Cambuskenneth was confirmed by John XXII in 1328,¹⁷ while Dunfermline's tenure of some land was approved by Innocent VI in 1362.¹⁸ Clement VI was asked to approve an ordinance of the bishop of St Andrews concerning the portions of vicars in churches appropriated to Arbroath,¹⁹ and on 9 March 1373 Gregory XI approved an agreement made nineteen years before between the abbey of Dunfermline and the bishop of Dunblane over teinds.²⁰ He also ratified an arrangement made around 1356 whereby Scone abbey exchanged the distant church of Carrington for the poorer but more accessible church of Blairgowrie and paid an annual pension to Cambuskenneth.²¹ These and other papal confirmations were doubtless seen as an important safeguard for the house in question, especially at a time when the Papacy's control of many aspects of church life was so extensive. But they were not essential, nor, from the delay in obtaining them in some cases, were they apparently a priority.

In order to maintain their privileged position, either on a

¹⁵ GUS, Reg. Av. 125, fos 161v-162; *Liber Ecclesie de Scon* (Bannatyne Club, 1843, hereafter cited as *Scone Lib.*), 128-29. For the grant see *Scone Lib.*, 97-98, 111-12.

¹⁶ CPP, i, 89; CPL, iii, 191; GUS, Registra Vaticana [Reg. Vat.] 218, fo 300r-v.

¹⁷ *Registrum Monasterii S. Marie de Cambuskenneth* (Grampian Club, 1872), 23.

¹⁸ GUS, Reg. Av. 149, fos 560v-561.

¹⁹ CPP, i, 235.

²⁰ GUS, Reg. Av. 191, fos 166v-168v.

²¹ *Ibid.*, fos 106v-107v; *Scone Lib.*, 142-44.

general issue of principle or on a specific point, religious houses sometimes had recourse to litigation, in which the Papacy was frequently involved. Cases were, however, rarely heard in full at Avignon. Normally the matter was entrusted for settlement to local judges, working either alone or in a panel. On some occasions a local ecclesiastic was asked merely to ordain a remedy for a grievance raised in a petition to the pope: in 1375 the bishop of St Andrews was told to deal with the request by the nuns of North Berwick for perpetual enclosure so as to avoid the unwelcome attention of nobles and others.²² At other times a case required a definite judgement. Usually revenue was involved. A dispute over teinds between Arbroath abbey and the vicar of Inverness was entrusted to the dean of Brechin in 1371,²³ and in 1362 a panel of judges was appointed to act on a petition of Dunfermline concerning its dependent priory at Urquhart, where the division of local teinds was disputed.²⁴ In 1373 the bishop of St Andrews was ordered to look into a complaint by Holyrood against a royal ordinance concerning the rent of some meadows granted to the abbey by Robert I.²⁵ Pecuniary considerations doubtless also weighed heavily in the mind of the abbot of Kinloss, whose claim to a prebend of Ross and a voice in chapter was entrusted to the chancellor of the church in 1325.²⁶ The predominance of cases concerning revenue need occasion no surprise. Unfortunately, however, the appointment of judges usually stands in isolation, with no surviving details of contrary arguments or the final verdict. In such circumstances it is impossible to say whether the judges-delegate usually took the side of the aggrieved monastery, but the more abundant evidence from benefice cases, even though these were usually heard at the curia, indicates that papal justice was administered impartially and in accordance with a fixed and lengthy procedure. It is, therefore, likely that most of the cases which went to a hearing were resolved only after a long suit and then probably finished in a compromise, for such was the normal outcome.

In the fourteenth century the employment of judges-delegate was to some extent superseded by increasing use of letters conservatory. These could be granted to orders in general, such as the Scottish Hospitallers in February 1356 and February 1375,²⁷ or

²² *Vetera Monumenta Hibernorum et Scotorum Historiam Illustrantia*, ed. A. Theiner (Rome, 1864, hereafter cited as *Vet. Mon.*), 355; *CPL*, iv, 212.

²³ *Liber S. Thome de Aberbrothoc* (Bannatyne Club, 1848-56), i, 230; GUS, Reg. Av. 174, fo 547.

²⁴ GUS, Reg. Av. 149, fo 610r-v.

²⁵ *Ibid.*, 191, fo 259r-v.

²⁶ *Records of the Monastery of Kinloss*, ed. J. Stuart (Edinburgh, 1872), 120-21.

²⁷ GUS, Reg. Av. 133, fos 150v-151; *ibid.*, 195, fo 232r-v.

to individual houses, such as Restenneth in 1347²⁸ and Melrose in 1366,²⁹ which both received the privilege for three years. Three conservators were normally named, and their function was to hear and investigate any case raised by the institution which had obtained their appointment. Their rôle had been widened by Clement V at the Council of Vienne, and thereafter they had wider powers of citation, delegation and sentencing than had been the case in the thirteenth century.³⁰ Their new authority to act outside a specific diocese would have made their appointment more attractive to orders and houses which had possessions and rights over a wide area, and this may explain why the practice became more widespread in the fourteenth century than it had been before. Memories of the frequently-mentioned decree of Boniface VIII that no one could be cited to appear outside their diocese and that the conservators could not proceed against persons not residing in the diocese to which they had been appointed may, however, have died hard, and this may sometimes have influenced the decision to subdelegate cases to ecclesiastics nearer the scene of the alleged injuries. The register of Paisley abbey gives considerable detail of two fourteenth-century cases heard by conservators, which afford a good indication of how this form of papal justice worked.

On 13 April 1344 Clement VI asked the abbots of Dunfermline, Coupar and Newbattle to protect the Cluniac establishments in Scotland, and within a few years they were called into action to hear a case between Paisley and the bishop of Argyll. On 27 November 1351 the abbots of Dunfermline and Newbattle wrote to the subdean and three canons of Glasgow telling them to investigate an allegation by Paisley that the bishop had occupied three churches belonging to the monastery, seized their fruits and done other damage detrimental to Cluniac interests. The reason for the subdelegation was said to be that the conservators wanted to ensure that both parties incurred equal expense and did not want to cite a bishop too far to a legal hearing.³¹ The suit was still active on 30 May 1362, when the bishop, although in Glasgow, did not answer his citation to appear, whereupon the subdean and William de Curry, canon of Glasgow, wrote to the clergy of Argyll and Sodor and told them to announce the suspension of Bishop Martin and order him to appear on 14 June.³² In fact, the

²⁸ *CPL*, iii, 262.

²⁹ *Urbain V: lettres communes*, vi, no. 19235.

³⁰ P. McDonald, "The Relations between the Papacy and the Religious Orders in England, 1305-1352" (unpublished D.Phil. thesis, Oxford, 1984), 242.

³¹ *Pais. Reg.*, 140-44.

³² *Ibid.*, 144-45.

problem was settled five days before that in an indenture between Martin and the abbey.³³

Another lengthy case ensued when Paisley approached the conservators against William More, who had allegedly robbed and damaged the monastery and its possessions and attacked its household servants. The abbots of Dunfermline and Newbattle subdelegated the matter to the abbot of Kilwinning and the prior of Lesmahagow on 20 August 1367,³⁴ and the deputies then sent a letter to all the clergy in the dioceses of St Andrews, Glasgow and Dunblane ordering the summons of William More, his brother Gilchrist and a burgess of Linlithgow called John to appear at Glasgow on 1 October to answer to Paisley for the alleged injuries inflicted on the monastery.³⁵ More, however, had a grievance too. In 1333 the priory of Sempringham had transferred to his family the right to an annual sum of forty merks originally owed by Paisley to that house,³⁶ and he claimed that the monastery had been dilatory in handing over the money. He took his case direct to the papal curia, and on 17 April 1371 Gregory XI appointed the archdeacon of Dunkeld to investigate More's complaint about the non-payment of the rent and the alleged seizure of his possessions in the dioceses of Glasgow and Sodor.³⁷ A settlement was reached on 4 April 1373,³⁸ and just over a year later More acknowledged receipt of three hundred merks from Paisley.³⁹

It may perhaps be doubted whether Paisley wholeheartedly supported the compromises which ended these cases, although the rare insight we have into both sides of the argument in the dispute with More indicates that the abbey was not blameless and it may have been unrealistic for it to have expected complete victory. The bull of 1344, which had its counterparts throughout Christendom, appears to have had no time-limit, and was described as "*littera conservatoria optima*" by the scribe of the Paisley register.⁴⁰ It was copied in 1438,⁴¹ and either it or a similar bull of Sixtus IV was used in the later fifteenth century against further infringers of the privileges of the monastery.⁴²

³³ *Ibid.*, 145-47.

³⁴ *Ibid.*, 33-37.

³⁵ *Ibid.*, 37-42.

³⁶ *Ibid.*, 42-43, cf. 31-32. It appears that David II supported Paisley and allowed the monastery to apply the sum to its own uses: G. G. Coulton, *Scottish Abbeys and Social Life* (Cambridge, 1933), 117.

³⁷ GUS, Reg. Av. 173, fo 334.

³⁸ *Pais. Reg.*, 43-46.

³⁹ *Ibid.*, 46.

⁴⁰ *Ibid.*, 314.

⁴¹ *Ibid.*, 289-90.

⁴² *Ibid.*, 436-39. For Sixtus' bull see *ibid.*, 314-17.

Occasionally a complaint was made against a religious house. Urban V told the bishops of Glasgow, Aberdeen and Ross to investigate and stop the overcharging by Dunfermline of clergy using Queensferry,⁴³ and in 1371 Gregory XI told the bishop of Moray to look into a complaint by the vicar of Fyvie, who had been despoiled by a monk of Arbroath, then prior of the Fyvie cell, despite winning a lawsuit against the abbey.⁴⁴ But the impression is that more lawsuits were instigated by the religious than against them; the regulars were clearly keen to exploit any advantages which favour at the papal court for themselves or their order might bestow.

Perhaps the most controversial aspect of papal policy in the fourteenth century was the great increase in the number of provisions. The theory that the pope had the right to dispose of all churches had been refined into a system whereby certain benefices were reserved to his collation. Usually this was because they had fallen vacant in a particular manner, had been held previously by a papal official, had been vacant—at least by a strict interpretation of canon law—for an extended period, or had been specifically selected for papal provision during the lifetime of the last incumbent. There were also large numbers of clerks who held what were termed expectative graces, promising a benefice in a particular cathedral or collegiate church or in the gift of a named patron when one next fell vacant. The extent of the reservations meant that some clerks inadvertently accepted a reserved benefice, and even if no one else claimed it, it was expedient to seek papal ratification of their incumbency as soon as the problem came to light. Some even sought confirmation from the pope even though they were allegedly uncertain as to whether their church had indeed been subject to a reservation. The system of provision, therefore, affected many churchmen. The regulars were involved in it in two ways: the direct provision or confirmation of abbots and priors, and the use of papal grants, especially expectative graces, which bestowed benefices in the gift of their monastery.

In the fourteenth century very few Scottish regulars owed their dignities to provision. This can be contrasted with the situation in France, where John XXII alone made over two hundred grants of abbeys and well over seven hundred of conventual priories.⁴⁵ Some Scottish provisions are, moreover, shrouded in mystery, although it is clear that the system of reservations worked in the case of the regular clergy as it did for seculars. The consecration

⁴³ CPP, i, 443; *Vet. Mon.*, 326; CPL, iv, 44; *Urbain V: lettres communes*, iii, no. 11159.

⁴⁴ GUS, Reg. Av. 174, fo 546v.

⁴⁵ McDonald, "Relations", 306-07.

of William de Deyn as bishop of Aberdeen caused his abbey of Kilwinning to be filled by provision, the choice falling on 20 October 1344 on John de Dalgernoc.⁴⁶ He was elderly and was excused a journey to the curia for his benediction.⁴⁷ Thomas Biseth's election to the priory of St Andrews was quashed by Innocent VI in 1354 on the grounds of a reservation of the monastery during his predecessor's lifetime, but he then received provision at his convent's request.⁴⁸ On 27 April 1373 John, abbot of Holyrood, was likewise provided after the quashing of his election.⁴⁹

This practice, whereby the pope effectively confirmed the choice of the chapter, was also common in the appointment of Scottish bishops at this period. However, the reservation of a see or monastery gave ambitious clerks the opportunity to supplicate on their own behalf for a provision, which then tended to override the claim of the local candidate. This happened with the see of Galloway in 1359-60,⁵⁰ and at around the same time several English cathedral chapters had their choice overturned by a provision to another clerk.

On 22 June 1351 John de Stramiglot, a student at Paris, was given provision to Dunfermline despite the election of John Black, who had been confirmed by the diocesan in apparent ignorance of the papal reservation which fell on the benefices of those dying while making the jubilee pilgrimage to Rome.⁵¹ On this occasion, as was usual with prelacies, the provisor prevailed, and although Black received a pension and was later appointed prior of Urquhart⁵² Stramiglot held the abbey until his death around 1388, despite a late threat from another provisor who had intimated to Clement VII that the abbot had resigned.⁵³ The circumstances of his original appointment are noteworthy. His presence at Paris may have been the result of Benedict XII's reforms, which encouraged university attendance by Benedictines, but whatever the reason for his being there his residence outside the monastery probably influenced his decision to petition for provision to the abbacy. The great university of Paris was a regular supplicant for provisions for

⁴⁶ GUS, Reg. Vat. 216, fos 77v-78.

⁴⁷ CPP, i, 82; CPL, iii, 175.

⁴⁸ GUS, Registra Supplicationum 27, fo 299; CPL, iii, 530.

⁴⁹ GUS, Reg. Av. 191, fo 414r-v.

⁵⁰ See *Vet. Mon.*, 314-15; CPP, i, 351.

⁵¹ *Vet. Mon.*, 297-98.

⁵² *Joannis de Fordun Scotichronicon, cum supplementis et continuatione Walteri Boweri Insulae sancti Columbae Abbatis*, ed. W. Goodall (Edinburgh, 1759, hereafter cited as *Chron. Bower*), ii, 349.

⁵³ *Calendar of Papal Letters to Scotland of Clement VII of Avignon, 1378-1394*, ed. C. Burns (Scottish History Society, 1976), 85-86; D. E. R. Watt, *A Biographical Dictionary of Scottish Graduates at A.D. 1410* (Oxford, 1977), 520.

its graduates, and so the theory and practice of the system would have been well known to Stramiglot. Had he still been at Dunfermline he probably would not have dared to endeavour to overturn the election and episcopal confirmation, and although the abbey was unquestionably in the pope's gift on account of the circumstances of the late abbot's death, a petition by the monastery for confirmation of Black might well have been favourably received at the curia had it not been for Stramiglot's intervention. Such a hypothesis is strengthened by study of papal provisions to Scottish secular clerks. It can be demonstrated that in the middle of the fourteenth century over three quarters of the recorded provisions went to graduates or at least to men who had spent some time abroad in a university; under Urban V the figure is nearly 90 per cent. The corresponding proportion in the province of York is around a third. There are strong indications that at the period of Stramiglot's provision Scots based at home rarely saw the pope as a likely patron; only the graduates of French universities had been severed from their locality so long as to need papal support on completion of their studies or later. Stramiglot was living among those of his countrymen who used the system of provision most frequently; this, combined with the exhilaration of life outside the monastery walls and doubtless also a degree of ambition, caused him to seek a dignity which he might never have attained if he had been continuously cloistered at Dunfermline.

In the early 1360s there was also a dispute over the abbey of Rushen on the Isle of Man between the provisor Roger de Bolron and an intruder named William de Cokerham.⁵⁴ In the event, Cokerham died in the neighbourhood of the papal court while the suit was still pending, which was convenient because it meant that the abbey was in Urban V's gift even if it was conceded that Cokerham had been a lawful abbot; a fresh mandate to provide Bolron was then sent to the bishop of Sodor on 10 January 1364.⁵⁵

The fate of this provision is unclear, but sometimes papal mandates were ineffective. In 1359 the bishop of Dunkeld was told to remove the abbot of Iona and bestow the monastery on some suitable person, receiving his oath to the Holy See. The incumbent, however, continued to act as abbot until at least 1405, despite immoral conduct, his election being at length confirmed by Benedict XIII in 1397.⁵⁶ As with provisions to secular benefices,

⁵⁴ *Urbain V: lettres communes*, ii, no. 6142.

⁵⁵ *Ibid.*, iii, no. 12609.

⁵⁶ *Highland Papers*, ed. J. R. N. MacPhail (Scottish History Society, 1914-34), iv, 135-36, 149-51, 156-58. On this and Iona in the fifteenth century see A. I. Dunlop, "Notes on the Church in the Dioceses of Sodor and Argyll", *Records of the Scottish Church History Society*, xvi (1966-68), 179-84.

the fate of a provision which ran into opposition was by no means predictable: papal theories of plenitude of power were not always easy to translate into practice.

Although Scottish abbots and priors were rarely appointed by the pope, the system of provision affected them greatly in that to varying degrees it limited their patronage. Direct provisions to the parochial benefices which were in monasteries' gift were uncommon in comparison with grants of prebends in cathedrals, but expectative graces certainly did affect the livings upon which the regulars relied to reward servants and benefactors and oblige influential laymen. Because of the total absence of registers of Scottish bishops, the exact incidence of expectancies cannot be calculated, but evidence from the province of York implies a notable success rate, especially among clerks with grants *in forma communi pauperum* who had no other benefice and often little chance of obtaining one from local sources.⁵⁷ These graces were not registered by the papal chancery although some are listed in English episcopal registers. Of 133 such expectancies in the register of Archbishop Zouche of York, dating from Clement VI's pontificate,⁵⁸ no fewer than 96 promised benefices in the patronage of the religious orders. No comparable evidence survives for Scotland, but the presence of some poor clerks with their precious papal bulls can probably be assumed, although their numbers were probably smaller than in England. Other clerks received expectative graces deemed to be *in forma speciali* which were registered in Avignon. These included Walter Trayl, who received the vicarage of Monifieth following his expectative grace to a benefice in Arbroath's gift in June 1365,⁵⁹ and Nicholas de Tarbolton, whose acquisition of the vicarage of Stirling can probably be ascribed to his expectancy of 1350 reserving a living in the patronage of Dunfermline abbey.⁶⁰ But despite the inconvenience caused, especially to houses like Arbroath which were the object of many expectative graces, it is unlikely that monastic patronage was ever totally removed by provisions; certainly in England monasteries continued to be able to present men without papal title to benefices in their gift. The large number of papal grants affecting monastic patronage, especially under Clement VI and Urban V, may well, however, have led to

⁵⁷ On these graces see generally C. Tihon, "Les expectatives *in forma pauperum*, particulièrement au xiv^e siècle", *Bulletin de l'Institut historique belge de Rome*, v (1925), 51-118.

⁵⁸ York, Borthwick Institute, Reg. 10 (Register of Archbishop Zouche), fos 214-231v.

⁵⁹ *CPP*, i, 505; *Urbain V: lettres communes*, iv, no. 13756; Watt, *Dictionary*, 540.

⁶⁰ *CPL*, iii, 366; *CPP*, i, 347; GUS, Calendar of Scottish Entries in Registra Avinionensia [Cal. Reg. Av.] 141, fo 336r-v.

considerable disenchantment with the system among heads of houses even if they themselves rarely had to fight off rivals with papal provisions.

Occasionally a canon-regular received a provision in his own right on account of his entitlement to hold a benefice. In 1344 Patrick de Locrys, canon of St Andrews priory, received papal confirmation in the parsonage of Tynninghame, the bishop's collation having been uncanonical.⁶¹ The system could, however, work both ways, as is seen in the case of the vicarage of Falkirk, to which Holyrood sometimes presented its own canons. When Adam de Tynningham was provided in 1344, the pope ordered the removal of the regular Thomas de Audriston.⁶² The fruits of the benefice were, however, soon seized by another canon of Holyrood, John de Stallys, who violated the sequestration imposed at the behest of the papal tax-collector.⁶³ But Stallys was quite prepared to use provision for his own advancement: Clement VI granted him reservation of a benefice in the patronage of the bishop of St Andrews in June 1348,⁶⁴ and in August 1350, with royal support, the expectancy was extended to cover any patron in the diocese because the bishop had no benefices in his gift which could be given to canons-regular.⁶⁵ Stallys was thus clearly prepared to utilise the advantages of provision when it suited him but ignore papal mandates when they appeared inconvenient. In this attitude he had many counterparts among his secular contemporaries.

The appropriation to religious bodies of parsonages and some vicarages continued into the fourteenth century, although fewer churches were affected than in the past. Papal confirmation was not necessary until after 1366, when Urban V revoked all ineffective annexations and forbade any more to be made for ten years,⁶⁶ although even before this it was advisable to seek papal approval for a union in order to strengthen a monastery's position, as this could be threatened by the length and complexity of the appropriation process. In the 1360s in particular many provisions were made to annexed churches on the grounds that they were legally vacant and that collation to them had lapsed to the Holy See, and although these claims usually proved unsuccessful they could involve the religious house concerned in much expense and

⁶¹ *CPL*, iii, 165; *GUS*, *Collectorie* [Coll.] 14, fo 159v; *ibid.*, 281, fo 113.

⁶² *CPP*, i, 77; *CPL*, iii, 152.

⁶³ *GUS*, Coll. 14, fos 186v-187, cf. fo 181v.

⁶⁴ *CPP*, i, 131.

⁶⁵ *Ibid.*, 202; *CPL*, iii, 420.

⁶⁶ *Lettres secrètes et curiales du pape Urbain V se rapportant à la France*, edd. P. Lecacheux and G. Mollat (Paris, 1902-55), no. 2457; cf. *CPL*, iv, 180.

difficulty. Although from 1344 the tax known as annates had to be paid on benefices where the appropriation was sanctioned by the pope, this may have seemed a price worth paying for the security afforded by papal ratification of a union.⁶⁷

Annates were based on the theory that some incumbents had to render to the Papacy their first year's revenue from their benefice, and some regulars who were provided were also liable. In fact, the amount exacted was well below the true income of the church, being based on earlier assessments for income taxes, and this was evidently acknowledged because in the case of untaxed benefices half the annual revenue by common estimation was levied. The abbot of Paisley and the prior of St Andrews were both able to escape with what from fifteenth-century sources seems a very low assessment by having it based on the current value of their monasteries.⁶⁸

Some regulars who owed their appointment to the pope, however, had to promise service taxes, dues paid at the curia by prelates who were promoted by the pope in consistory. Common services were usually originally set at roughly a third of the payee's gross annual income, the proceeds being divided equally between the pope and the college of cardinals. In addition, smaller sums called petty services had to be paid for the benefit of various groups in the papal household and the establishment of the cardinals, and fees were imposed for the issue of bulls, for acquittances and for a consecration or benediction at the curia.

It is not entirely clear what distinction determined which regulars were liable for service taxes rather than annates. Most priors paid annates, a practice enforced by Urban V,⁶⁹ but so did the abbot of Fearn, who was confirmed by the bishop of Aberdeen and the papal collector William de Grenlaw under a papal commission of 1358,⁷⁰ and the abbot of Paisley.⁷¹ Other abbots who had been appointed directly by the pope, however, paid services. Although most of the papal financial records for the

⁶⁷ See generally A. D. M. Barrell, "Papal involvement in appropriations in Scotland and northern England, 1342-1378", *Northern History*, xxiv (1988), 18-37.

⁶⁸ GUS, Coll. 14, fos 179v, 180v, 186, 187v. For some fifteenth-century figures see *Calendar of Scottish Supplications to Rome, 1418-1422*, edd. E. R. Lindsay and A. I. Cameron (Scottish History Society, 1934), 61; *The Apostolic Camera and Scottish Benefices*, ed. A. I. Cameron (Oxford, 1934), 131, 159, 206, 308.

⁶⁹ W. E. Lunt, *Papal Revenues in the Middle Ages* (New York, 1934), ii, 265.

⁷⁰ GUS, Coll. 14, fos 180v, 190v.

⁷¹ *Ibid.*, fos 180v, 187v. A James received papal confirmation in Paisley in 1349: CPL, iii, 350. He had originally been elected in 1346: J. C. Lees, *The Abbey of Paisley* (New Club, 1878), 341. An abbot John is attested in around 1360: *Charters of the Abbey of Crosraguel* (Archaeological and Historical Collections relating to Ayrshire and Galloway, 1886), i, 21; he may have paid the tax due from James's confirmation.

period survive, evidence of payment is meagre and it is possible that the abbots of Kilwinning and Rushen escaped their obligations altogether. The abbot of Dunfermline, John de Stramiglot, however, pledged 250 florins in common services in 1351⁷² and paid at least the pope's portion in full in January 1353,⁷³ while William, abbot of Kelso, paid the sum owed by his short-lived predecessor Roger on 24 December 1353;⁷⁴ this was again probably less than eighteen months after the obligation had been entered into,⁷⁵ a speedy payment compared with that of several contemporary Scottish bishops, although in the case of Kelso the papal chamberlain or *camerarius* was dissatisfied with the amount agreed and stipulated that when the war with England ended the monastery's expressed value should be revised upwards.⁷⁶

In the thirteenth century the main papal revenue from Scotland had been the tenth, an income tax which affected most beneficed ecclesiastics and corporations even though some international religious orders were sometimes allowed to pay a lump sum for a general exemption. By the Avignon period powerful rulers such as the kings of England and France had found means of sharing in the proceeds. This was originally justified on the grounds that the monarchs needed ready money to prepare for a crusade, but as the prospects of an expedition grew dimmer and the Papacy received an increasingly small proportion of the amount collected, the popes turned to other forms of revenue such as service taxes and annates. Tenths did, however, continue to be levied occasionally to meet the pressing needs of the Roman church. Gregory XI ordered the Scottish clergy to pay one in 1372,⁷⁷ but despite a mandate to the papal collector on 8 December 1374 to levy it⁷⁸ there is no firm evidence of its collection. A three-year tenth was, however, levied by papal authority from 9 August 1359 in order to help with the ransom of David II.⁷⁹ The details of the sums received, as presented in the Exchequer Rolls, do not indicate what proportion of the burden was borne by the regular clergy, although a separate

⁷² H. Hoberg, *Taxae pro communibus servitiis* (Vatican, 1949), 216; GUS, Calendar of Scottish Entries in Obligationes et Solutiones [Cal. OS] 22, fo 113v; but cf. GUS, Coll. 456, fo 169, where another date is given.

⁷³ *Die Einnahmen der Apostolischen Kammer unter Innozenz VI*, ed. H. Hoberg (Paderborn, 1955-72, hereafter cited as *Einnahmen*), ii, 34; GUS, Cal. OS 28, fo 113; cf. *ibid.*, 26, fo 239; GUS, Coll. 462, fo 338.

⁷⁴ *Einnahmen*, ii, 34; GUS, Cal. OS 30, fo 28v; Cal. Reg. Av. 122, fo 355.

⁷⁵ Hoberg, *Taxae*, 226; but cf. GUS, Cal. OS 22, fo 129v, for an earlier date.

⁷⁶ GUS, Cal. OS 22, fo 129v.

⁷⁷ *CPL*, iv, 101, 150; *Lettres secrètes et curiales du pape Grégoire XI intéressant les pays autres que la France*, ed. G. Mollat (Paris, 1962-65), nos. 843-44; GUS, Reg. Vat., 244B, fos 67-69.

⁷⁸ *CPL*, iv, 153, 160.

⁷⁹ GUS, Reg. Av. 141, fos 578v-580v; cf. *Chron. Bower* (Goodall), ii, 362.

source lists receipts from the revenues of Melrose, Kelso and Jedburgh in the deanery of Teviotdale, and implies that some remission was granted to Dunfermline in Fife and Fotheringhay.⁸⁰ Income taxes in general were usually a heavy liability, especially for those houses whose lands had suffered in the wars with England, and the shift of emphasis towards taxes on provisions probably benefited the religious orders rather more than it did many seculars, since so few abbots and priors were provided to their dignities in the fourteenth century and the great age of appropriations had passed.

Much less controversial than provisions or papal taxes were licences and dispensations granted to regulars, many of which were similar to those bestowed on their secular counterparts. Religious of all grades in the hierarchy received the indult to choose a confessor and have him grant plenary remission of sins at the hour of death, a favour which appears to have caught the imagination of pious Christians in the fourteenth century, especially after the first outbreak of the Black Death. William de Sancto Andrea, abbot of Melrose, saw fit to receive the indult from at least three successive popes,⁸¹ and although most did not go to quite as much trouble and expense they were clearly prepared to pay for one plenary indulgence and must have believed in the pope's authority to pardon earthly sins. By contrast, indulgences for persons visiting needy monasteries and helping their reconstruction were much less generous than they became before the Reformation: Gregory XI granted a maximum of a year and forty days' grace for those visiting the war-damaged abbey at Jedburgh,⁸² and this was no less generous than his predecessors had been in similar circumstances. The pope could also release clerks from requirements laid down by canon law. In particular, regulars could be given leave to eat flesh-meat under certain conditions even where this contravened their rule. On 2 January 1364 Adam de Lanark, bishop of Galloway and himself a Dominican friar, was allowed to license the eating of meat by regulars at his table provided that they had not come in for the specific purpose of partaking in such a feast.⁸³ Benedict XII permitted the prior and convent of Ardchattan to fish for salmon in summer on Sundays and feast-

⁸⁰ Unnumbered MS in the possession of the earl of Haddington entitled, "Minute of the rollis of Schireffis, Burrowes and Kirklandis anent King Davidis Ranson", pp. 5-6. Nothing was paid by the priory of Canonbie because it was under English control: *ibid.*, p. 7.

⁸¹ GUS, Cal. Reg. Av. 135, fo 350v; *Urbain V: lettres communes*, vi, no. 18445; GUS, Cal. Reg. Av. 187, fo 61v; cf. an abbot William of Melrose who was given a similar indult in 1350: *CPL*, iii, 400.

⁸² *CPL*, iv, 163.

⁸³ *CPP*, i, 476.

days, for although herring fishing on such days was allowed by canon law a dispensation was needed to fish salmon.⁸⁴ Some illegitimates in Scottish houses were dispensed from restrictions imposed by their defect of birth so as to be able to be promoted within their orders, in very similar fashion to the way in which illegitimate secular clerks were allowed to hold benefices with cure of souls and exchange them.

Sometimes a religious house or individual was accorded a particular honour. In 1335 the abbot of Paisley was given the right to use a mitre and ring and other pontifical insignia and to bestow solemn benediction,⁸⁵ while in the Schism, when such favours were more freely bestowed than in the past, similar grants of *pontificalia* were made to the abbots of Holyrood⁸⁶ and Scone.⁸⁷ Another privilege, and one carrying with it some exemption from the rules and jurisdiction of religious orders, was that of appointment as a papal chaplain of honour, a status granted to John de Ballothyn, canon of Holyrood, in 1372.⁸⁸ Such favours were again more characteristic of the financially more straitened and correspondingly slacker times of the Schism than the period immediately before it.

The religious life, which many entered at an early age, did not always suit those professed in it. Some ran away. If they later reconsidered their decision and wanted to return to their house, the Holy See could be asked to assist in the process of reconciliation. Much of this work may have passed through the Penitentiary, the records of which do not survive for the fourteenth century, but the pope ordered some reconciliations directly, especially after Benedict XII's constitution *Pastor Bonus* of 1335, naming three executors; those who benefited included William de Kylmy, canon of Holyrood, in 1357,⁸⁹ Robert Egle, monk of Lindores, in 1364,⁹⁰ and John de Urwell, monk of Melrose, in 1371.⁹¹ Kylmy had in fact joined the stricter Cistercian order and needed papal permission in any case to return to a less austere regime. Not all apostates, however, repented so readily. On 8 June 1332 John XXII

⁸⁴ Public Record Office [PRO], Roman Transcripts, 31/9/37, pp. 661-62; cf. J. Dowden, *The Medieval Church in Scotland* (Glasgow, 1910), 333.

⁸⁵ *Pais. Reg.*, 429.

⁸⁶ *Le Liber Censuum de l'Eglise Romaine*, edd. P. Fabre and L. Duchesne (Paris, 1889-1952), i, 231.

⁸⁷ *Scone Lib.*, 152-53; *Calendar of Papal Letters to Scotland of Benedict XIII of Avignon, 1394-1419*, ed. F. McGurk (Scottish History Society, 1976), 47-48.

⁸⁸ GUS, Coll. 358, fo 167; cf. PRO, Roman Transcripts, 31/9/59, p. 361; GUS, Cal. Reg. Av. 185, fo 215r-v.

⁸⁹ GUS, Reg. Av. 135, fo 479.

⁹⁰ *Urbain V: lettres communes*, iii, no. 11816.

⁹¹ GUS, Cal. Reg. Av. 174, fo 527r-v.

ordered the bishop of St Andrews to act against three fugitive Franciscans of Berwick and Roxburgh who had supposedly been induced by the abbot and convent of Kelso into leaving their order and removing some property belonging to their former houses.⁹² Richard de Fores, formerly of Kinloss, intruded himself into the Border vicarage of Norham around 1363 and was still in possession in 1366.⁹³ It is impossible to say how many regulars abandoned the life to which they had committed themselves, or what proportion of these repented and asked to return to their houses. Some at least of those whose exploits are recorded in extant sources were restless spirits and probably often troublesome. As religious discipline was relaxed and the old ideals of community life became diluted, the heads of houses may have decided not to exert themselves in seeking the recovery of apostate monks and canons who were likely only to sow the seeds of further discontent. The nature of the reception of those who received papal licence to return to their monasteries can of course only be guessed at.

The heads of religious houses were often named as executors of papal bulls, especially provisions. Most received only a handful of such mandates, and in general Cistercian abbots were involved only rarely. In the period from 1342 to 1378 the most frequently named regulars in Scotland were the prior of St Andrews⁹⁴ and the abbot of Holyrood⁹⁵ with eight each, the abbot of Arbroath with nine,⁹⁶ and the abbot of Dunfermline with fourteen.⁹⁷ The abbot of Paisley was ordered to oversee an absence licence granted to the archdeacon of Glasgow in 1342.⁹⁸ Some acted as conservators or as judges with *ad hoc* commissions: on 3 April 1371 the prior of Lesmahagow was asked to investigate a dispute over rival presentations to the church of Buittle,⁹⁹ and four years later he was told along with two bishops to order restitution of property stolen from the church of Glasgow,¹⁰⁰ while in 1376 the abbot of Saddell was told to investigate a petition from a clerk who claimed

⁹² Bryce, *Grey Friars*, ii, 2-3.

⁹³ *CPP*, i, 511, 512.

⁹⁴ *CPL*, iii, 56 [ter], 80, 184, 364, 414; *Urbain V: lettres communes*, v, no. 18111.

⁹⁵ *CPL*, iii, 346; *Urbain V: lettres communes*, i, no. 4208; iii, no. 9654; ix, no. 25635 (cancelled); GUS, Reg. Av. 175, fo 239r-v; *ibid.*, 183, fo 213; *ibid.*, 189, fo 171v; *ibid.*, 200, fos 180v-181.

⁹⁶ *CPL*, iii, 75, 151, 198, 205; *Urbain V: lettres communes*, v, no. 18111; ix, no. 25851; GUS, Reg. Av. 186, fos 324, 434v; *ibid.*, 203, fos 227v-228.

⁹⁷ *CPL*, iii, 102, 420, 463, 520, 532; *Urbain V: lettres communes*, i, nos. 1678, 4651; ii, no. 7269; iv, nos. 13544, 13649; GUS, Cal. Reg. Av. 149, fo 467v; Reg. Av. 183, fo 287r-v; *ibid.*, 184, fos 53v-54; *ibid.*, 202, fos 124v-125.

⁹⁸ *CPL*, iii, 64.

⁹⁹ GUS, Reg. Av. 173, fo 336.

¹⁰⁰ *Ibid.*, 197, fos 60v-61.

to have been disturbed in his benefice by a provisor.¹⁰¹ The exalted dignity which gave the heads of religious houses the hope of a favourable reception from the pope for their requests thus also carried with it its obligations. Papal mandates to Scottish regulars were, however, not numerous and the work involved with them can never have overwhelmed the abbot or prior affected, especially in view of the frequent medieval expedient of subdelegation of papal orders.

Contacts between the Papacy and the regular clergy in Scotland were, therefore, diverse. The great majority of monks, nuns, canons and friars will have had little personal contact with the Holy See unless they suffered from a birth defect, desired an indulgence, or had left their houses without leave. Those who reached the rank of abbot or prior might conceivably owe their position to provision and have to pay taxes in return for papal favour, and they could expect to be involved in sending petitions to the Holy See on behalf of themselves or their monastery or in executing papal mandates inside or outside their house. But most regulars were involved indirectly with the Papacy in the sense that popes confirmed the privileges of their orders and houses, dealt with some legal disputes and interfered with such patronage as their monastery had by the use of provisions and expectative graces. Although the regulars were, to a greater or lesser extent, cut off from the outside world, they were still very much part of the universal church and as such they had many points of contact with the papal curia in much the same way and for much the same purposes as did their secular contemporaries.

¹⁰¹ GUS, Reg. Vat. 289, fo 689r-v.

